

John L. Cooper (State Bar No. 050324)  
jcooper@fbm.com  
Farella Braun + Martel LLP  
235 Montgomery Street, 17th Floor  
San Francisco, CA 94104  
Telephone: (415) 954-4400  
Facsimile: (415) 954-4480

Attorneys for Rule 706 Expert, James R. Kearl

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,  
  
Plaintiff,  
  
vs.  
  
GOOGLE, INC.,  
  
Defendant.

Case No. C 10-3561 WHA

**DECLARATION OF JOHN L. COOPER IN  
SUPPORT OF ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL DR.  
JAMES R. KEARL, RULE 706 EXPERT,  
RESPONSE TO MOTIONS IN LIMINE  
AND DAUBERT CHALLENGES**

Dept.: Courtroom 8, 19th Floor  
Judge: Hon. William H. Alsup

I, John L. Cooper, declare as follows:

1. I am an attorney licensed to practice law in the State of California and am a partner at the law firm of Farella Braun + Martel LLP, attorneys of record for Rule 706 Expert, Dr. James R. Kearl, in the above captioned action. I submit this declaration in support of Dr. Kearl's Administrative Motion To File Under Seal his Response To Motions In Limine And Daubert Challenges. I have knowledge of the facts stated herein and if called as witness, I could and would competently testify thereto.

2. Attached hereto is an unredacted copy of Dr. James R. Kearl, Rule 706 Expert, Response to Motions In Limine and Daubert Challenges, dated April 6, 2016, which contains

1 information designated by Oracle America, Inc. and Google, Inc. as “Confidential—Attorney’s  
2 Eyes Only.” Oracle and Google are in dispute regarding which portions of Dr. Kearl’s analysis  
3 should be kept confidential and which portions may be made public so Dr. Kearl is requesting to  
4 file his entire response under seal. *See, e.g.*, Dkt. 1599. Google and Oracle have been provided  
5 with a copy of the entire unredacted report to allow them to designate which portions should  
6 remain undisclosed.

7 3. James R. Kearl takes no position on the redaction of the information designated as  
8 “Confidential—Attorney’s Eyes Only.”

9  
10 I declare under penalty of perjury under the laws of the State of California that the  
11 foregoing is true and correct.

12 Executed this 6<sup>th</sup> day of April 2016 at San Francisco, California.

13  
14 /s/ John L. Cooper  
John L. Cooper